

REMARKS

The Office Action dated July 21, 2008 has been received and carefully noted. The above amendments to the specification and claims, and the following remarks, are submitted as a full and complete response thereto.

In accordance with the foregoing, Applicant wishes to thank the Examiner for indicating the allowance of claims 1-18. Claims 1-9 and 12-19 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 20-23 have been added. New claim 20 corresponds to claim 19, but recites means-plus-function features. New claim 21 is directed to a computer program embodied on a computer readable medium including the functions of claim 1. New claims 22 and 23 correspond to the features recited in claim 19. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-23 are currently pending and under consideration.

OBJECTIONS TO THE DRAWINGS:

In the Office Action, the drawings were objected to because they include reference characters not mentioned in the specification. In response, the specification has been amended to include missing reference characters included in FIGS. 2, 3, and 5. No new matter is being presented. Also, with respect to FIG. 6, reference characters “611” and “612” have been corrected to “620” and “621,” respectively, in accord with the content of the description and the elements illustrated in FIG. 6.

Accordingly, it is respectfully submitted that the objections to the drawings are overcome and respectfully requested that the objections to the drawings be withdrawn.

OBJECTION TO THE ABSTRACT:

The Office Action objected to the abstract, stating that “[t]his application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required” Applicant respectfully submits that the present application was filed based on a PCT application under 35 U.S.C. § 371. Accordingly, the abstract on the first page of the PCT application also serves as the abstract for the Present U.S. application and does not need to commence on a separate page per MPEP § 608.01(b). Applicant respectfully notes that the present objection is improper in the case of the U.S. stage of a PCT application (see MPEP § 608.01(b)(E), Examiner Note 2).

Accordingly, it is respectfully submitted that the objection is overcome and respectfully requested that the objection be withdrawn.

AMENDMENTS TO THE SPECIFICATION:

The Specification is amended herein correcting the use of BLUETOOTH, taking the Examiner’s comments into consideration, and directed to overcoming the objections thereto.

The Applicant respectfully requests that the Examiner withdraw the objections thereto.

REJECTION UNDER 35 U.S.C. § 112:

In the Office Action, claim 19 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. According to the Office Action, the claim contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. This rejection is traversed and reconsideration is requested.

Applicant respectfully asserts that claim 19 was not properly rejected under the enablement requirement. Rather, at most, the Specification alone should have been rejected. Specifically, according to 35 USC § 112, first paragraph, “the specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.” Thus, the referred portion of the statute is directed to the Specification, not to the claims. Applicant respectfully asserts that the rejection presented in the Office Action is improper because claim 19 is improperly being rejected under 35 USC § 112, first paragraph and therefore it should be withdrawn.

Furthermore, in view of the amendments made to claim 19, Applicant respectfully refers to the Specification providing exemplary support for the recitations of claim 19. For instance, paragraph [0015] of the Specification and original claim 19 describes and

supports at least the referred portions of the independent claim. MPEP 608.01(l) provides the following:

In establishing a disclosure, applicant may rely not only on the description and drawing as filed but also on the original claims if their content justifies it.

Where subject matter not shown in the drawing or described in the description is claimed in the application as filed, and such original claim itself constitutes a clear disclosure of this subject matter, then the claim should be treated on its merits, and requirement made to amend the drawing and description to show this subject matter. The claim should not be attacked either by objection or rejection because this subject matter is lacking in the drawing and description. It is the drawing and description that are defective, not the claim. (Emphasis added)

In light of the above, Applicant respectfully submits that the original Specification as filed does provide support for computer-readable medium recited in claim 19, thereby showing possession of the claimed invention and enabling a person of ordinary skill in the art to make and use the invention for its intended purpose. Applicant further submits that information which is well known in the art need not be described in detail in the specification. *See, e.g., Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379-80, 231 USPQ 81, 90 (Fed. Cir. 1986). Because a computer-readable medium is well known in the art, Applicant had possession of the invention enabling a person of ordinary skill in the art to make and use the present invention for its intended purpose.

Thus, in view of the foregoing, it is respectfully requested that the rejection to claim 19 be withdrawn.

REJECTION UNDER 35 U.S.C. § 101:

The Office Action rejected claim 19 under 35 U.S.C. §101 as being directed to non-statutory subject matter. In response, claim 19 has been amended to more particularly point out and distinctly claim the invention.

In accordance with MPEP 2106.01(I), claim 19 is now directed to, “A computer program embodied on a computer-readable medium, the computer program configured to control a processor to perform operations comprising:.” As such, claim 19 recites a clear relationship between the computer program, the computer-readable medium, and the processor. This relationship provides a “structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized,” as required by MPEP 2106.01(I). Therefore, claim 19 is statutory.

Accordingly, it is respectfully requested that the § 101 rejection to claim 19 be withdrawn.

CONCLUSION:

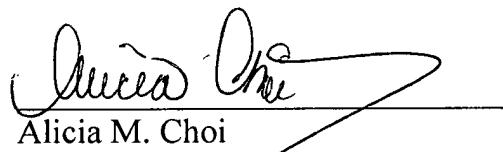
In view of the above, Applicants respectfully submit that the claimed invention recites subject matter which is neither disclosed nor suggested in the cited prior art. Applicants further submit that the subject matter is more than sufficient to render the claimed invention unobvious to a person of skill in the art. Applicants therefore respectfully request that each of claims 19-23 be found allowable and, along with allowed claims 1-18, this application pass to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the Applicants respectfully petition for an appropriate extension of time.

Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Encs.: Petition for Extension of Time
Additional Claim Fee Transmittal
Check No. 20091